

Notice of Allowability

Application No.

09/536,006

Examiner

John M. Winter

Applicant(s)

PHILLIPS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the paper filed on 10/27/2005.
2. ☒ The allowed claim(s) is/are 7,21,39,43,44 and 48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date ____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

DETAILED ACTION

Allowable Subject Matter

Claims 7, 21, 39, 43, 44 and 48 are allowed over the prior art record.

1. The following is an examiner's statement of reasons for allowance:
2. The closest prior art of record Pare Jr. et al. (US Patent 6,230,148) teaches a tokenless biometric electric check transaction
JOB Service North Dakota, electronic funds transfer guide teaches a method for processing ACH transactions, Rodgers (WO 95/22113) teaches an electronic transaction processing system.

What they fail to teach or suggest:

A.

A method for using one or more computers to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means comprising the steps of: accepting an input of check information submitted by consumer; verifying the accuracy of the check information; comparing the routing number to a database to determine if the paper routing number provided by the consumer matches the electronic routing number needed to process the on-line transaction; presenting the check information for clearing through the Federal Reserve's Automated Clearing House; debiting the consumer's checking account from which the check was drawing in an amount indicated in the check information; and crediting the merchant's account in the amount indicated in the check information, wherein if the routing number provided by the consumer is a correct paper routing number, but not a correct electronic routing number, an additional step of modifying the check information to substitute the correct electronic routing number for the paper routing number provided by the consumer is performed.

These distinct features render claim 7 allowable.

B.

A method for using one or more computers to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means comprising the steps of: accepting an input of check information submitted by consumer; verifying the accuracy of the check information, presenting the check information for clearing through the Federal Reserve's Automated Clearing House; debiting the consumers checking account from which the check was drawing in an amount indicated in the check information; and crediting the merchant's account in the amount indicated in the check information; wherein if the check is returned by the Automated Clearing House, an additional processing step is conducted comprising determining the reason why the check was returned, wherein if the reason for the return is that the consumer's checking account has insufficient funds or uncollected funds, additional processing is performed comprising: presenting the check information to the Automated Clearing House for a second

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presentment', and notifying the merchant that the check was returned when it was first presented, wherein if the check is returned by the Automated Clearing House after the second presentment, additional processing is conducted comprising the steps of: determining why the check was returned; notifying the merchant that the check was returned after the second presentment; and debiting the merchant's account by the amount indicated in the check information, wherein if the reason for the second return is that the consumer's checking account has insufficient funds or uncollected funds, additional processing is performed comprising: during a predetermined time period, attempting to verify whether the consumer's account has funds available; and presenting the check information to the Automated Clearing House for a third presentment either when the predetermined time period has expired or when the consumer's account has funds available, whichever occurs first, wherein the predetermined time period is between thirty and sixty days.

These distinct features render claim 21 allowable.

C.

An apparatus comprising one or more computers capable of executing one or more programs to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means by carrying out the following steps: accepting an input of check information submitted by a consumer, verifying the accuracy of the check information, presenting the check information for clearing through the Federal Reserve's Automated Clearing House; debiting the consumer's checking account from which the check was drawn in an amount indicated in the check information; and crediting the merchant's account in the amount indicated in the check information, if the check is returned by the Automated Clearing House, additional processing is conducted to determine the reason why the check was returned, if the reason for the return is that the consumer's checking account has insufficient funds or uncollected funds, the apparatus forms additional processing comprising: presenting the check information to the Automated Clearing House for a second presentment; and notifying the merchant that the check was returned when it was first presented, if the check is returned by the Automated Clearing House after the second presentment, the apparatus performs additional processing comprising the steps of: determining why the check was returned; notifying the merchant that the check was returned after the second presentment; and debiting the merchant's account by the amount indicated in the check information, if the reason for the second return is that the consumers checking account has insufficient funds or uncollected funds, the apparatus performs additional processing comprising: during a predetermined time period, attempting to verify whether the consumer's account has funds available', and presenting the check information to the Automated Clearing House for a third presentment either when the predetermined time period has expired or when the consumer's account has funds available, whichever occurs first, wherein the predetermined time period is between thirty and sixty days.

These distinct features render claim 39 allowable.

D.

An apparatus comprising one or more computers capable of executing one or more programs to electronically clear and cash a check submitted to an on-line merchant from an on-line

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consumer by electronic means by carrying out the following steps: accepting an input of check information submitted by a consumer; verifying the accuracy of the check information; presenting the check information for clearing through the Federal Reserve's Automated Clearing House; debiting the consumer's checking account from which the check was drawn in an amount indicated in the check information; and crediting the merchant's account in the amount indicated in the check information, if the check is returned by the Automated Clearing House, additional processing is conducted to determine the reason why the check was returned, if the reason for the return is that the consumer's checking account has insufficient funds or uncollected funds, the apparatus forms additional processing comprising: presenting the check information to the Automated Clearing House for a second presentment; and notifying the merchant that the check was returned when it was first presented, if the check is returned by the Automated Clearing House after the second presentment, the apparatus performs additional processing comprising the steps of: determining why the check was returned; notifying the merchant that the check was returned after the second presentment', and debiting the merchant's account by the amount indicated in the check information, if the reason for the second return is that the consumers checking account has insufficient funds or uncollected funds, the apparatus performs additional processing comprising: during a predetermined time period, attempting to verify whether the consumer's account has funds available; and presenting the check information to the Automated Clearing House for a third presentment either when the predetermined time period has expired or when the consumer's account has funds available, whichever occurs first, wherein the predetermined time period is between thirty and sixty days, wherein the on-line merchant can access the one or more computers to obtain information regarding the status of one or more checks which the merchant has submitted, wherein the merchant can determine whether or not a processing fee has been charged and the dollar amount of any such charge.

These distinct features render claim 43 allowable.

E.

An apparatus comprising one or more computers capable of executing one or more programs to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means by carrying out the following steps: accepting an input of check information submitted by a consumer; verifying the accuracy of the check information', presenting the check information for clearing through the Federal Reserve's Automated Clearing House; debiting the consumer's checking account from which the check was drawn in an amount indicated in the check information, and crediting the merchant's account in the amount indicated in the check information, if the check is returned by the Automated Clearing House, additional processing is conducted to determine the reason why the check was returned, if the reason for the return is that the consumer's checking account has insufficient funds or uncollected funds, the apparatus forms additional processing comprising: presenting the check information to the Automated Clearing House for a second presentment', and notifying the merchant that the check was returned when it was first presented, if the check is returned by the Automated Clearing House after the second presentment, the apparatus performs additional processing comprising the steps of: determining why the check was returned; notifying the merchant that the check was returned after the second presentment; and debiting the merchant's account by the amount

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indicated in the check information, if the reason for the second return is that the consumers checking account has insufficient funds or uncollected funds, the apparatus performs additional processing comprising: during a predetermined time period, attempting to verify whether the consumer's account has funds available; and presenting the check information to the Automated Clearing House for a third presentment either when the predetermined time period has expired or when the consumer's account has funds available, whichever occurs first, wherein the predetermined time period is between about thirty and sixty days, wherein the on-line merchant can access the one or more computers to obtain information regarding the status of one or more checks which the merchant has submitted, wherein the merchant can obtain a history of the processing of a check submitted to the on-line check cashing system.

These distinct features render claim 44 allowable.

F.

An article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer to perform method steps for electronically clearing and cashing a check submitted to an on-line merchant from an on-line consumer by electronic means, the method comprising the steps of: accepting the input of check information submitted by a consumer; verifying the accuracy of the check information; evaluating the consumer's check writing history by accessing a database of bad check writers', verifying the check information to ensure that the bank routing number submitted by the consumer is valid and correct, wherein if the routing number provided by the consumer is a correct paper routing number, but not a correct electronic routing number, an additional step of modifying the check information to substituting the correct electronic routing number for the paper routing number provided by the consumer is performed', presenting the check information for clearing through the Federal Reserve Automated Clearing House; debiting the consumer's checking account from which the check was drawn in an amount indicated in the check information; and crediting the merchant's account in the amount indicated in the check information.

These distinct features render claim 48 allowable.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is (571) 272-6713. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at (571) 272-6712. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to

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the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

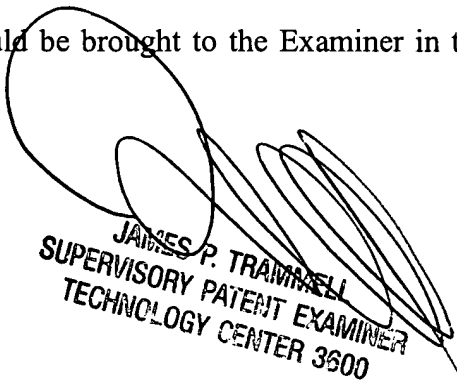
or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW

January 9, 2006



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